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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,447	12/31/2003	Arnold Anderegg	13412.2003CIP	9819

20601 7590 04/16/2007
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EXAMINER

PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
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3751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/749,447

Applicant(s)

ANDEREGG ET AL.

Examiner

Charles E. Phillips

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 14-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver in view of Schramm (DE 29800816).

At 52, Silver teaches a handheld bidet type nozzle that has a handgrip housing 52 including a closure that accepts an insertion tube that has a 90 degree bend therein. This bend provides full response to claim 12 and to the angular orientation of claim 14. While Silver shows what appears to be a valve handle at the inlet end of his handgrip, the disclosure is silent thereto. However, a valve is disclosed at 30, in a similar location i.e. the inlet end of the structure 26. To the extent that the showing on 52 would not be considered to be a valve, it would have been obvious to the ordinary artisan to provide for one as seen in Fig. 2. Silver is also silent as to whether his L-shaped tube at the end of 52 is removable, however, Schramm, in the last paragraph of the translation provided by applicant, discloses such a nature for tube 18. As such it would have been obvious to the ordinary artisan to provide for this expedient in Silver as same is shown in an identical art device. Re: claim 15, the use of moulded plastic is well known in the modern day art, of which official notice is taken, and the use of this expedient would have been obvious to the ordinary artisan. Re: 17-18, the rinsing tube is seen at 56. Both 54 and 56 are shown to possess a rounded nature.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 14 above, and further in view of Pawelzik et al.

Chromium plated metal is taught for use in a water faucet environment at col. 3, lines 16-19. As such it would have been obvious to the ordinary artisan to provide for this expedient in Silver as same is shown in an identical art device.

Claims 11, 13 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al in view of Schramm (DE 29800816).

Bernard et al teach a showering device with a handgrip housing body at 48, see element 58. The enclosure angle of line 3 is seen above the reference numeral 158, a valve is seen at 38, although not a shut off valve. The rinsing tube is seen connected to the end of tube 50. Lacking is the insertion tube particulars. Schramm, in the last paragraph of the translation provided by applicant, discloses a removable nature for tube 18. The "housing closure" is the tapered portion of the area that receives tube 18. It would have been obvious to the ordinary artisan to provide the former with the housing and tube 18 cooperation of Schramm as same is shown in an identical art device. It would have been further obvious to provide for the valve 38 of the former to possess a shut off feature as taught by the valve of Schramm. Re: claims 11, 13 and 20-21, as seen in Fig. 6 of Bernard et al, the axis of 24 and 26 and that of the inlet from 36 i.e. the L-shaped member showing flow arrows, possess the angular orientations claimed here. The latter is presented due to the bend at 158 and the backward canting of the axis of 24 and 26. Re: claim 22, the use of moulded plastic is well known in the modern day art,

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of which official notice is taken, and the use of this expedient would have been obvious to the ordinary artisan.

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 19 above, and further in view of Silver.

Silver teaches the rinsing tube at 56. Both 54 and 56 are shown to possess a rounded nature. It would have been obvious to the ordinary artisan to provide for this expedient in the combination *supra* as same is shown in an identical art device.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 19 above, and further in view of Pawelzik et al.

Chromium plated metal is taught for use in a water faucet environment at col. 3, lines 16-19. As such it would have been obvious to the ordinary artisan to provide for this expedient in Bernard et al, as same is shown in an identical art device.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Phillips whose telephone number is 571-272-4893. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson, can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Charles E. Phillips
Primary Examiner